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REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1, 2, 4-6 and 8-12 are pending and stand rejected. Claims 1, 10, 11 and 12 have been amended

Claim 10 stands rejected under 35 USC 101 as being directed to non-statutory subject matter as the claim fails to recite a computer.

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claim. However, in the interest of advancing the prosecution of this matter, claim 10 has been amended to recite a processing system which when loaded with the code executes the steps recited.

Having amended the claim as suggested, applicant submits that the reason for the rejection has been overcome and respectfully requests that the rejection be withdrawn.

Claims 1, 2,4-6 and 8-12 stand rejected under 35 USC 103(a) as being unpatentble over Nakajima in view of Kranawetter (USP no. 6,970,504), which are the same references cited in the prior Office Action for rejecting the claims.

In reply to the applicant's arguments made in response to the rejection of the claims in the prior Office Action, the instant Office Action states that "Nakajima does reduce pixel block from a first resolution (NxN) to a second resolution (KxM), where both K and M are smaller than N. (see page 4, paragraph 5).

As the Nakajima and Kranawetter references were cited in the prior Office Action in rejecting the claims, applicant's remarks regarding these references and the arguments made in the response to the rejection of the claims in a prior Office Action are applicable to the rejection of the claims in the instant Office Action and are reasserted, as if in full, herein.

Contrary to the statements found in the instant Office Action, Nakajima fails to teach of suggesting "sampling the signal at a predetermined rate to obtain a second resolution lower than said first resolution," as is recited in the claims. Rather Nakajima

teaches producing a smaller block of data to be processed by selecting a KxM subset of the NxN pixel block where the KxM subset is selected as the low frequency components of the NxN block. (see figures 10A and 10B). Nakajima discloses reducing the number elements to be processed (KxM) by selecting a subset of the initial elements. However, the initial set of NxN elements is not sampled to achieve this subset. Furthermore, the relationship of the processed elements to each other is the same. That is the relationship of the first element to the second element is the same whether the elements are in the KxM or the NxN block. However, in the sampling method described in the instant invention, the number of elements processed may be similarly reduced (e.g., KxM), but the relationship of the processed elements to each other is dependent upon the sampling rate. That is the selection of the second element in the reduced resolution block is dependent upon the sampling rate. Nakajima fails to provide any teaching or suggestion of selecting the elements of the reduced resolution in this manner.

As stated in the applicant's response to the rejection of the claims in the prior Office Action, Kranawetter is cited to teach upsampling the lower resolution by repeating elements. Kranawetter fails to teach or suggest sampling the elements to achieve a second resolution lower than the first.

A claimed invention is prima facie obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

The present invention is not rendered obvious by the combination of Nakajima and Kranawetter as the combined device fails to disclose all the elements claimed. More specifically, the combined device fails to disclose sampling the block to produce a block at a second lower resolution, as is recited in the claims.

Having shown that even if the teachings were combined, the combined device would not include all the elements claimed, applicant submits that the reason for the rejections of claim 1 has been overcome and the rejection can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

With regard to the remaining independent claims, theses claims recite subject matter similar to that recited in claim 1 and were rejected citing the same references used in rejecting claim 1. Thus, the remarks made in response to the rejection of claim 1 are applicable in response to the rejection of the remaining independent claims.

Accordingly, for the amendments made to the independent claims, which are similar to those to claim 1, and for the remarks made in response to the rejection of claim 1, which are reasserted, as if in full, in response to the rejection of the remaining independent claims, applicant submits that the reason for the rejection of the remaining independent claims has been overcome and the rejection can no longer be sustained. Applicant respectfully requests that the rejection be withdrawn and the claims allowed.

With regard to the remaining claims, these claims ultimately depend from the independent claims, which have been shown to be allowable over the cited references. Accordingly, the remaining claims are also allowable by virtue of their dependence from an allowable base claim.

Although the last Office Action was made final, this amendment should be entered. No matter has been added to the claims that would require comparison with the prior art or any further review. Accordingly, pursuant to MPEP 714.13, applicant's amendments should only require a cursory review by the examiner. The amendment therefore should be entered without requiring a showing under 37 CFR 1.116(b).

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For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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